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**Prepared June 25, 2021 for July 8, 2021 Hearing**

**To:** Commissioners and Interested Persons

**From:** Stephanie Rexing, North Central Coast District Manager  
Erik Martinez, Coastal Planner

**Subject: San Mateo County LCP Amendment Number LCP-2-SMC-21-0001-1  
(Accessory Dwelling Unit Regulations)**

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## **SUMMARY OF STAFF RECOMMENDATION**

San Mateo County proposes to amend its Local Coastal Program (LCP) Land Use Plan (LUP) and Implementation Plan (IP) to incorporate revised accessory dwelling unit (ADU) regulations designed to help bring the County's applicable regulations for ADUs inside the coastal zone into compliance with State law. Specifically, the proposed LUP amendment modifies references from 'second units' to ADUs, removes ADU size limits and prohibitions related to non-conforming parcels less than 5,000 square feet Zone, and retains the requirement that these units comply with all applicable policies and procedures of the LCP. The proposed IP amendment provides for ADUs and Junior ADUs (JADU) in certain zoning districts where residential use is allowed, specifies the maximum numbers of ADUs/JADUs allowed per parcel, streamlines ADU/JADU review and permit processing, and provides ADU/JADU development standards (e.g., related to setbacks, parking, owner occupancy, etc.).

The proposed changes would generally update the LCP ADU provisions consistent with recent changes in state ADU law, while simultaneously protecting important coastal resources, particularly as it relates to new development and protection of coastal resources. The changes proposed are mostly straightforward and should help to facilitate ADUs in the County's coastal zone areas. In fact, a significant portion of the County's coastal zone where ADUs would be allowed per the amendment consists of already developed residential areas with adequate public services that lend themselves to appropriate ADU development, including where ADUs can be developed without any significant coastal resource concerns. Where there are potential coastal resource issues (e.g., related to the protection of sensitive habitat, shorelines and beaches, public views), existing LCP policies will still apply and are generally adequate to appropriately safeguard such resources.

The one area where some modifications are needed is in terms of ensuring that ADU development does not adversely impact on-street public parking availability in areas that

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

are significant coastal visitor destinations in the County, generally at specific popular coastal accessways along the immediate shoreline. To address this issue, staff worked with County staff to craft a set of tailored modifications to protect public access parking in these key visitor destination areas near the coast. Generally speaking, the areas where ADUs are allowed in the coastal zone encompasses approximately fifteen percent of unincorporated San Mateo County. Meanwhile, the areas in which the tailored modifications would require additional parking is limited to roughly eight percent of the coastal zone of unincorporated San Mateo County. In addition, Commission staff have consulted with the California Department of Housing and Community Development (HCD) on these issues, and HCD has not objected here. With the suggested modifications, the LCP's ADU provisions will be appropriately tailored to protect coastal resources while also encouraging development of ADUs, thus helping to increase ADU stock, and more affordable housing options, in the County's coastal zone. At the same time, more specific parking requirements can avoid critical public access impacts, and specifically potential problems that could arise if ADU development were allowed to take over public recreational parking stock, in a narrowly defined range of areas where on-street parking is critical for maintaining visitor access to the coast. Thus, the proposed amendment, as modified, will not adversely affect coastal resources and is consistent with and adequate to carry out the certified LUP.

Therefore, staff recommends that the Commission approve the proposed amendment with the suggested modifications, and County staff is in agreement with the staff recommendation. The required motions and resolutions are found on page **4-5** below.

### **Staff Note: LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on February 16, 2021. The proposed amendment affects both the LCP's Land Use Plan (LUP) and Implementation Plan (IP), and the 90-working-day action deadline was June 24, 2021, however on June 9, 2021 the Commission extended the action deadline, and has until June 24, 2022 to take a final action on this LCP amendment.

**TABLE OF CONTENTS**

**1. MOTIONS AND RESOLUTIONS ..... 4**  
A. Certify the LUP Amendment as Submitted ..... 4  
B. Deny the IP Amendment as Submitted..... 4  
C. Certify the IP Amendment with Suggested Modifications ..... 5  
**2. SUGGESTED MODIFICATIONS..... 5**  
**3. FINDINGS AND DECLARATIONS ..... 7**  
A. Description of Proposed LCP Amendment ..... 7  
B. Evaluation of Proposed LUP Amendment ..... 9  
C. Evaluation of Proposed IP Amendment..... 15  
D. California Environmental Quality Act (CEQA)..... 23  
**4. APPENDICES ..... 24**  
A. Substantive File Documents ..... 24

**EXHIBITS**

Exhibit 1: Proposed LUP Amendment

Exhibit 2: Proposed IP Amendment

Exhibit 3: LCP Figure – “ADU Parking Area”

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

### **1. MOTIONS AND RESOLUTIONS**

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment with suggested modifications. The Commission needs to make three motions on the LCP amendment in order to act on this recommendation. First, the proposed LUP amendment needs to be approved as submitted, then the IP amendment needs to be denied as submitted, and finally the IP amendment needs to be approved as modified, to complete the staff recommendation.

#### **A. Certify the LUP Amendment as Submitted**

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the LUP portion of the amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only by an affirmative vote of the majority of the appointed Commissioners.

***Motion:** I move that the Commission **certify** Land Use Plan Amendment Number LCP-2-SMC-21-0001-1 as submitted by San Mateo County, and I recommend a yes vote.*

***Resolution to Certify:** The Commission hereby certifies Land Use Plan Amendment Number LCP-2-SMC-21-0001-1 as submitted by San Mateo County and adopts the findings set forth below on the grounds that the Amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Amendment may have on the environment.*

#### **B. Deny the IP Amendment as Submitted**

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the IP amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission reject LCP Implementation Plan Amendment LCP-2-SMC-21-0001-1 as submitted by San Mateo County, and I recommend a yes vote.*

***Resolution to Deny:** The Commission hereby denies certification of LCP Implementation Plan Amendment LCP-2-SMC-21-0001-1 as submitted by San Mateo County and adopts the findings set forth below on grounds that the Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified LCP Land Use Plan. Certification of the Amendment would not meet the requirements of the California Environmental*

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

*Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Amendment as submitted.*

### **C. Certify the IP Amendment with Suggested Modifications**

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the IP amendment with suggested modifications and the adoption of the following resolution and findings. The motion to certify with suggested modifications passes only by an affirmative vote of a majority of the Commissioners present:

**Motion:** *I move that the Commission certify LCP Implementation Plan Amendment LCP-2-SMC-21-0001-1 as submitted by San Mateo County if it is modified as suggested in this staff report, and I recommend a yes vote.*

**Resolution to Certify:** *The Commission hereby certifies LCP Implementation Plan Amendment LCP-2-SMC-21-0001-1, if modified as suggested, and adopts the findings set forth below on grounds that the Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified LCP Land Use Plan, as amended. Certification of the Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.*

## **2. SUGGESTED MODIFICATIONS**

The Commission hereby suggests the following modifications to the proposed LCP Implementation Plan amendment, which are necessary to make the requisite Land Use Plan consistency findings. If San Mateo County accepts the suggested modifications within six months of Commission action (i.e., by January 8, 2022), by formal resolution of the Board of Supervisors, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~single cross-out~~ and single underline format denotes proposed text to be deleted/added by the County. Text in ~~double cross-out~~ and double underline denotes text to be deleted/added by the Commission.

- 1. Modify IP Section 6439.4 to correct reference 6439.18 to 6439.17.**
- 2. Modify IP Section 6439.5.9 to correct reference 6429.7 to 6439.7.**
- 3. Modify IP Section 6439.5(12)(a) as follows (and adjust the subsequent numbering accordingly):**

~~10-12. Parking Requirements~~

~~a. Parking exemptions. Second Required Parking. One new covered or uncovered~~

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

~~parking space, in addition to those already existing on the parcel, shall be provided onsite for each new attached or detached accessory dwelling unit. Parking for accessory dwellings units shall be provided as follows:~~

~~(1) Outside of the designated areas shown in LCP Figure "ADU Parking Required,"<sup>11</sup> one new covered or uncovered parking space, in addition to those already existing on the parcel, shall be provided on-site for each new attached or detached accessory dwelling unit, unless the accessory dwelling unit meets the parking exemption criteria of subsection b. below. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit outside of such designated areas, those off-street parking spaces are not required to be replaced.~~

~~(2) Within the designated areas shown in LCP Figure "ADU Parking Required," at least one off-street parking space shall be required for each accessory dwelling unit, and all off-street parking requirements associated with other residential uses at the site shall be met onsite, including replacement parking spaces if any are removed or converted to accommodate an accessory dwelling unit.~~

#### **4. Modify IP Section 6439.5(12)(b) as follows:**

~~a. b. Parking Exemptions. Accessory dwelling units located outside of the designated areas shown in LCP figure "ADU Required Parking" and meeting any of the following criteria shall not be required to provide any parking in addition to that already provided on the parcel, or in the case of a concurrent application for a new primary and ~~second~~ accessory dwelling unit, shall not be required to provide any parking in addition to the parking required for the primary residence ~~only~~:~~

~~(1) ~~Second~~ Accessory dwelling units located within one-half (1/2) mile of a public transit stop or station, measured as a direct line from the transit stop. Public transit stops must be served by a transit line serving the public, and not solely by specialized, private, or limited population services such as school buses, privately run shuttles, or other services that cannot be used by all public riders. ...~~

#### **5. Modify IP Section 6439.5(13) as follows:**

~~11.13. d. Requests for Parking Exceptions. If the required parking for a ~~second~~ an accessory dwelling unit outside the designated areas shown in LCP Figure "ADU Parking Required" cannot be met in accordance with this Chapter, an application may be submitted for a parking exception, as specified in Section 6120. For parking provided in accordance with the provisions of this Chapter, a parking exception shall not be required.~~

#### **6. Delete IP Section 6439.13 and adjust the subsequent numbering**

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<sup>1</sup> See Exhibit 3.

## LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)

accordingly.

7. Modify IP Section 6439.18 (with renumbering 6439.17, per suggested modification #4) as follows:

*Applications for ~~second~~ accessory dwelling units, except for those requiring a conditional use permit as specified in Section ~~6431-6439.7-11~~ ...*

### 3. FINDINGS AND DECLARATIONS

#### A. Description of Proposed LCP Amendment

The proposed LCP amendment would update accessory dwelling unit (ADU) provisions in the County's Land Use Plan (LUP) and Implementation Plan (IP) to comply with recent changes to state housing law, including changes established by Assembly Bills 68 and 881, and Senate Bill 13, which all took effect on January 1, 2020 (referred to as "ADU laws"). As most recently updated in 2020, the ADU laws authorize local governments to establish ordinances regulating ADUs and to establish minimum requirements for local government ADU regulations that, in general, are designed to streamline the process of review and approval of ADUs in order to alleviate severe housing shortages throughout California.

Since 1984, San Mateo County's zoning regulations have governed the creation of accessory dwelling units (previously referred to as "second units," "in-law units," and various other terms), establishing development standards including placement and design, among other requirements. The County now proposes to update the standards relevant to ADUs to bring the County's applicable regulations for ADUs inside the coastal zone into compliance with the ADU laws. The proposed LUP amendments update the policy relevant to "second units" and now refer to them as accessory dwelling units or ADUs, permit ADUs subject to the amended relevant IP chapter, retain the cap on total number of allowed ADUs for the coastal zone at 466,<sup>2</sup> remove the size limits and the prohibition on such units on non-conforming parcels less than 5,000 square feet, and retain the requirement that these units comply with all applicable policies and procedures of the LCP. Generally speaking, the proposed amended LUP ADU language largely mirrors the County's certified regulations as they pertained to second dwelling units, but changes the reference to instead be to ADUs and makes other conforming changes. Please see **Exhibit 1** for the proposed LUP amendment text.

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<sup>2</sup> The ADU cap for the coastal zone at 466 units was previously certified by the Commission, and has not to-date affected the rate of ADU construction. In fact, the County estimates that the cap would not be reached at the current rate of ADU construction for some 60 years. Even if the pace were to double (e.g., as the ADU rules are relaxed and ADUs are thus further facilitated), it would still take 30 years. In other words, the cap should not actually limit ADU construction during the normal planning horizon for the LCP (e.g., typically 10 to 20 years), and there are no coastal resource reasons suggesting that changes associated with the cap would be necessary.

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

The proposed IP amendments generally divide standards in Chapter 22.5 (the former “Second Dwelling Unit” chapter, and now proposed to be the “Accessory Dwelling Unit” Chapter) into two relevant subchapters, those standards applicable to ADUs outside the coastal zone, and those standards applicable to ADUs inside the coastal zone. Specifically, relevant to ADUs in the coastal zone, the most significant proposed IP changes would: replace all references to “second units” with “accessory dwelling units” or “ADUs”; remove minimum lot size requirements for ADUs so they can be constructed on substandard lots; add the requirement that no applicable development standards should preclude the creation of ADUs of at least 800 square feet in size, 16 feet or less in height, with 4-foot side and rear setbacks; allow for combined detached ADU and Junior ADU (JADU) allowing for one internal and one external ADU on the same parcel; allow for multiple internal and external ADUs on parcels with existing multifamily housing; expand allowable zoning districts for ADUs to all single-family residential zones (R-1, -2, and -3 zones); and separate standards for attached, detached, and junior ADUs. In addition, the proposed IP changes set maximum ADU numbers per parcel, streamline ADU review and permit processing, and set ADU development standards (e.g., for requirements related to setbacks, height, size, parking, owner occupancy, etc.). ADUs are also proposed to be permitted on any site zoned for commercial use which authorizes residential use as a permitted use or for which a permit has been issued to authorize a residential use, and which includes an existing or proposed single-family dwelling or an existing multi-family dwelling. In addition, the IP amendment provides that on a parcel zoned for residential use with an existing or proposed single-family dwelling on the site, one ADU and one JADU are permitted; on a parcel zoned for multi-family use with an existing multi-family dwelling on the site, one ADU or an amount of ADUs up to 25% of the existing number of units on the site are allowed, whichever is greater, if the ADU is contained within the portion of the existing multi-family dwelling that is not already used as livable space; and that on a parcel zoned for multi-family use with an existing multi-family dwelling on the site, two detached ADUs are permitted.

The amendment also proposes 30-day minimum stay requirements (and thus disallowing short term ADU rental); limitations on location and visibility of entrances for attached ADUs; allows only Community Development Director approval to permit connecting doorways between attached ADUs and primary residences; and modifications to required impact fees for ADUs. In terms of setbacks, the amendment proposes 4-foot side and rear setbacks for all ADUs not created entirely within the space of the existing structure, regardless of height. ADUs greater than 16 feet in height are proposed to require a side step-back of 5 feet and a rear step-back of 10 feet, at a point no higher than 16 feet on the structure, in addition to the required setbacks. In terms of sizes of ADUs (Section 6439.6), the amendment proposes to increase square footage allowances for detached ADUs from the 750 square feet or 35 percent of the primary residence to 800 square feet or 35 percent of the primary residence, and for attached ADUs (Section 6439.7) proposes to change the square footage allowances from 750 square feet or 50 percent of the primary residence to 800 square feet or 50 percent of the primary residence. The proposed amendments also incorporate the State’s prohibition on any regulations that preclude an 800 square foot attached ADU and allows an additional 150 square feet of floor area for ADUs built entirely within the



## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

primary residence for the purposes of creating ingress or egress. JADUs are limited to 500 square feet, required to be entirely within the walls of the primary residence, have basic facilities as well as external, independent ingress and egress, and can only be created if the owner of the property occupies a unit on the property. Finally, with regard to parking, the proposed amendment would require one off-street parking space for each ADU, but in most cases would exempt ADU projects from meeting that criteria. Specifically, off-street parking would not be required in the following circumstances: if an ADU is located within one-half mile of public transit; for ADUs located within an architecturally and historically significant historic district; when on-street parking permits are required but not offered to the occupant of the ADU; or when there is a carshare vehicle located within one block of the ADU. Similarly, if a garage is converted into an ADU or demolished to construct a new structure for an ADU, the off-street parking spaces of the primary dwelling unit associated with the garage area would not be required to be replaced.

Please see **Exhibit 2** for the proposed IP amendment text.

### **B. Evaluation of Proposed LUP Amendment**

#### **1. Standard of Review**

The proposed LCP amendment includes both proposed Land Use Plan and Implementation Plan changes. For the proposed LUP changes, the standard of review is that they must be consistent with and adequate to carry out the Coastal Act Chapter 3 provisions.

#### **2. Public Access and Recreation**

##### ***Applicable Coastal Act Provisions***

The Coastal Act contains objectives and policies designed to protect and provide for sufficient public access, public access parking, and coastal access opportunities, as well as to encourage lower cost visitor and recreational facilities. These policies include:

***Section 30210.*** *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

***Section 30211.*** *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

***Section 30212(a).*** *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (a) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (b) Adequate access exists nearby; or (c) Agriculture would be adversely affected.*

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

**Section 30212.5.** *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

**Section 30213.** *Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided.*

**Section 30220.** *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

**Section 30221.** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

**Section 30222.** *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

**Section 30223.** *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

**Section 30252.** *The location and amount of new development should maintain and enhance public access to the coast by: ... (4) Providing adequate parking facilities or providing substitute means of serving the development with public transportation.*

Section 30210 of the Coastal Act requires the Commission to provide the general public maximum access and recreational opportunities, while respecting the rights of private property owners. Section 30211 prohibits development from interfering with the public's right of access to the sea where acquired through use or by legislation, including parking on public streets. In approving new development, Section 30212 requires new development to provide access from the nearest public roadway to the shoreline and along the coast, save certain limited exceptions, such as existing adequate nearby access. Section 30212.5 requires appropriate distribution of facilities, including parking, and Section 30213 protects lower cost visitor and recreational facilities, including with respect to parking on public streets. And Sections 30220 through 30223 protect coastal lands near the shoreline, including parking areas, for their ability to accommodate public access and recreation. Finally, the Coastal Act Section 30210 direction to maximize access and recreational opportunities represents a different threshold than to simply provide or protect such access, and is fundamentally different from other like provisions in this respect. Namely, it is not enough to simply *provide* access to and along the coast, and not enough to simply *protect* access; rather such access must also be

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

*maximized*. This terminology distinguishes the Coastal Act in certain respects, and provides fundamental direction with respect to proposed LCP amendments along the California coast that raise public access issues, like this one.

### ***Consistency Analysis***

The LUP portion of the proposed amendment would remove standards limiting the size of units to 700 square feet or 35% of the floor area of the existing principal residence and standards prohibiting ADUs on non-conforming parcels less than 5,000 square feet, essentially deferring all ADU development standards to the IP. The LUP's existing standards would continue to cap the total number of accessory dwelling units in the coastal zone at 466 units and would continue to require that all ADUs comply with applicable policies and procedures as provided in the LCP, including the IP. In fact, the proposed LUP changes are intended to facilitate production of ADUs in unincorporated San Mateo County by consolidating development standards into one place in the IP, making it easier to understand and implement development of ADUs, therefore providing additional living opportunities on the coast at a lower cost. As such, the proposed LUP changes really actually extend to the IP, as the proposal essentially defers resolution of coastal resource issues to the IP. Thus, only to the degree that the IP changes can be found adequate in that regard can the LUP changes be found consistent with the above Coastal Act requirements, particularly in terms of public access parking. Fortunately, as discussed in the IP amendment portion of this report, the IP changes, with some minor changes, can be found adequately protective in that regard (which analysis is incorporated herein by reference), and the proposed LUP changes can thus be found consistent with the Chapter 3 policies of the Coastal Act.

### **3. Other Coastal Resource Protection**

#### ***Applicable Coastal Act Provisions***

The Coastal Act requires that new development be located in areas within, contiguous with, or in close proximity to, existing developed areas with adequate public services able to accommodate it and where it will not have significant adverse impacts on coastal resources. Coastal Act provisions also require that new development minimize energy consumption and vehicles miles traveled. These policies include:

***Section 30250(a).*** *New development except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

The Coastal Act also has specific policy directives requiring protection for other types of coastal resources, including for coastal watercourses and their habitats, environmentally sensitive habitat areas (ESHAs), agricultural lands, cultural resources, public views, and minimization of the potential for adverse impacts related to coastal hazards. These provisions include:

***Section 30230.*** *Marine resources shall be maintained, enhanced, and where*

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

*feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

**Section 30231.** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

**Section 30233.** *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. (4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas. (6) Restoration purposes. (7) Nature study, aquaculture, or similar resource-dependent activities. ...*

**Section 30240.** *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

**Section 30241.** *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses...*

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

**Section 30242.** *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

**Section 30243.** *The long-term productivity of soils and timberlands shall be protected...*

**Section 30244.** *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

**Section 30251.** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

**Section 30252.** *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

**Section 30253.** *New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development. (d) Minimize energy consumption and vehicle miles traveled. (e) Where appropriate, protect special communities and neighborhoods that,*

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

*because of their unique characteristics, are popular visitor destination points for recreational uses.*

### **Consistency Analysis**

Taken together, these Coastal Act provisions generally direct new residential development such as ADUs and JADUs to be located in existing developed areas with adequate public facilities and services (including water, sewer, and traffic capacity) where coastal resources will not be significantly impacted. In other words, the Coastal Act encourages the concentration of development in existing developed areas that are able to accommodate it, including areas within San Mateo County's coastal zone.

As the Commission is aware, the State is experiencing a significant housing crisis, and in particular an affordable housing crisis, and those issues are even more acute in the coastal zone. To address this critical need, the California Legislature has enacted a number of housing laws in the last several years that are designed to eliminate barriers to providing housing, and to help foster additional housing units – particularly critically needed affordable units – where they can be appropriately accommodated by adequate public services and where, in the coastal zone, they will not adversely affect coastal resources. Toward this end, the past several year's legislative sessions included a series of changes to statewide housing law designed to facilitate more ADUs and affordable housing units. The overarching goals of the statewide ADU laws—to encourage and streamline approval of ADUs to alleviate housing shortages throughout the State—are consistent with Coastal Act policies discussed above that encourage concentrating development in existing developed areas of the coastal zone in order to minimize impacts to coastal resources. However, the ADU laws have prompted a need for local governments to update their LCPs to incorporate new requirements for ADUs in the coastal zone. Importantly, the ADU laws continue to require that Coastal Act (and by extension LCP) coastal resource protection is not suspended when considering ADUs, and thus updated local government ADU provisions must continue to ensure coastal resource protection. In short, the goal of updating LCPs related to ADUs is to synthesize the ADU laws with the Coastal Act in a way that continues to protect coastal resources while also reducing and eliminating barriers to ADUs.

Specifically, a significant portion of the County's coastal zone where ADUs would be allowed per the updated ADU provisions consists of already developed residential areas with adequate public services that lend themselves to appropriate ADU development, both inside and, even more so, outside of the coastal zone. Within the coastal zone, there are infill areas where ADUs can be developed without any significant coastal resource constraints. As discussed above, the proposed LUP amendment removes outdated ADU development standards (e.g., limiting the size of ADU units and prohibiting ADUs on non-conforming parcels) that are now inconsistent with state ADU laws. However, ADUs are still subject to more generalized development limitations based in coastal resource protection provisions including, but not limited to, standards related to ESHA, wetlands, riparian corridors, significant public views, and coastal hazards, and the proposed amendment includes language clarifying that nothing in the proposed amendment is intended to supersede, alter, or lessen the effect of the Coastal Act or LCP, which means that the specific standards applicable to ADUs adopted herein

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

are minimum requirements and do not override or supersede LCP requirements for all new development, such as required buffers from ESHA or public view corridors. Thus, the proposed LUP amendment can be found consistent with the Chapter 3 policies of the Coastal Act.

### **4. LUP Amendment Conclusion**

In summary, the proposed LUP amendment would update the ADU provisions consistent with recent changes in statewide ADU law, while simultaneously protecting important coastal resources, particularly as it relates to new development and protection of coastal resources, consistent with the Coastal Act and the State's ADU laws. Thus, the proposed amendment will not adversely affect coastal resources and is consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act.

### **C. Evaluation of Proposed IP Amendment**

#### **1. Standard of Review**

The proposed LCP amendment includes both proposed Land Use Plan and Implementation Plan changes. For the proposed IP changes, the standard of review is whether the IP, as modified by the proposed amendment, would be in conformance with, and adequate to carry out, the provisions of the LUP.

#### **2. Public Access and Recreation**

##### ***Applicable Land Use Plan Provisions***

San Mateo's LUP contains objectives and policies designed to protect and provide for sufficient public access and coastal access opportunities, as well as to encourage lower cost visitor and recreational facilities. The policies are designed to protect suitable oceanfront land for public recreation, visitor-serving opportunities and commercial recreation facilities. The LUP implements the Coastal Act's public access and recreation provisions, and thus those policy considerations (detailed previously) adhere to the LUP. These policies include:

***LUP Policy 10.1. Permit Conditions for Shoreline Access.*** *Require some provision for shoreline access as a condition of granting development permits for any public or private development permits (except as exempted by Policy 10.2) between the sea and the nearest road. The type of provision, the location of the access and the amount and type of improvements required shall be consistent with the policies of this component.*

***LUP Policy 10.22. Parking.***

*a. Continue the use of existing official off-street parking facilities for shoreline access areas in order to maintain existing parking levels and to confine negative impacts to areas already disturbed.*

***LUP Policy 11.1. Definition of Visitor Serving Facilities.*** *Define visitor-serving facilities as public and private developments that are exclusively available to the general public and provide necessary, basic visitor support services such as*

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

*lodging, food, water, restroom and automobile services. Visitor-serving facilities include, but are not limited to, hotels, motels, hostels, campgrounds, group camps, grocery stores, food concessionaires, auto serving stations, public drinking water, restrooms, public parking for coastal recreation or access, restaurants, and country inns no more than two stories in height.*

**LUP Policy 11.9. Oceanfront Land in Urban and Rural Areas.** *a. Protect suitable oceanfront land for public recreation, visitor-serving and commercial recreation facilities. Consider sites suitable when they are: (1) not on prime agricultural land or other lands suitable for agriculture unless they are in compliance with the conversion policies of the Agriculture Component, (2) not required for coastal-dependent industry, and (3) large enough to accommodate safety improvements and public use as defined in the Shoreline Access Component.*

**LUP Policy 11.17. Parking.** *Use the parking standards contained in the Shoreline Access Component (Policy 10.22) and Chapter 3 of the Zoning Ordinance.*

**LUP Policy 11.23. Low Cost Facilities.** *a. Provide low cost or no cost visitor-serving and public recreation facilities in public facilities.*

### **Consistency Analysis**

San Mateo County's LUP requires that shoreline access must be provided as a condition of development approval between the sea and the nearest road and that adequate parking and lower-cost visitor opportunities be provided. Specifically, the policies speak to protecting off-street parking for significant shoreline access areas at existing levels and specifically calls out public parking areas, such as on-street parking, as visitor-serving facilities. The proposed amendments make no change to provisions requiring new development to provide shoreline access and public parking, and therefore, all new ADUs will still be subject to the parking provisions of the County's LUP. At the same time, and consistent with state ADU law, parking requirements for ADUs would be relaxed in terms of how parking can be accommodated onsite (e.g., in setback areas, on a driveway, and tandem), and in terms of when off-street parking would not be required (e.g., when a garage is converted to an ADU, for studio-unit ADUs, and for proposed ADUs located one-half mile from public transit, within an architecturally and historically significant district, when on-street parking permits are required but not offered to the occupant of the ADU, and when there is a car share vehicle located within one block of the ADU).

As proposed, San Mateo County would require one new covered or uncovered off-street parking space for each new attached or detached ADU unless it meets the defined parking exemptions mentioned above. These exemptions would also apply to areas near the coast that are frequented by both local residents and visitors from the bay area and inland communities where on-street parking provides the majority of the public visitor parking supply. It is likely that the additional parking associated with ADU projects in cases in which the parking is not accommodated on-site will instead be pushed onto



## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

public streets which would reduce on-street parking in areas that provide visitor-serving and public recreation services, and thus adversely impact public access. The result will be that the public will be displaced from public on-street parking by ADU parking needs in those cases. This will have adverse impacts both on public access parking at those locations, but also cumulatively as ADU projects are developed in unincorporated San Mateo County over time. It would also eliminate lower cost parking options, here free on-street parking, when the Coastal Act *requires* that this resource be protected, including for those unable to afford other sorts of parking options.

Fortunately, tools are readily available to help foster ADUs while simultaneously appropriately protecting free public street parking, including by being more specific up front at the LCP amendment stage as to where on-street parking issues such as this would most be problematic. In unincorporated San Mateo County's case, areas with potential public access parking concerns are generally limited to areas directly inland of prime shoreline visitor destinations where there is a limited supply of, and high demand for, on-street parking for coastal visitors, and areas where there are significant public viewsheds, or both. Specifically, for this County such areas as Montara State Beach, the bluffs overlooking Fitzgerald Marine Reserve, and Surfer's Beach, immediately west of Highway 1 and the residential community of El Granada, all north of Half Moon Bay, represent significant coastal visitor destinations where coastal visitors are almost entirely limited to scarce public parking on-street. On this point, it is well known that San Mateo County's shoreline is a magnet for coastal visitors from the San Francisco Bay Area, as well as from more inland areas, and its coastal zone is already strained to accommodate all of the public access it provides, including, critically, with respect to parking for those who are not fortunate enough to live there.

San Mateo County's IP, like most LCPs, includes requirements that residential properties account for their parking needs on their own properties, often referred to as 'off-street' parking requirements (e.g., typically in garages, carports, covered parking, etc.). When an ADU is added to a residentially developed site, it typically brings with it additional off-street parking needs, including when existing garages, carports, or other designated parking locations are converted into ADUs. In such cases, there is a potential to reduce the availability of on-street parking for visitors if parking for the ADU and other on-site uses is not accommodated off-street. Recent updates to the ADU laws restrict circumstances when local governments can require that parking demand associated with ADU projects be accommodated onsite, including when it converts a space already used to accommodate site parking needs (e.g., garage conversion). In doing so, the Legislature clearly signaled that ADUs are an important public objective, and thus use of public streets to accommodate some, or all, of their private parking needs is appropriate. At the same time, although such additional private parking needs can often be accommodated on-street in inland areas not near prime visitor destinations, allowing all ADU parking on-street in prime coastal visitor-serving destinations can significantly reduce public visitor access at those prime coastal visitor-serving destinations, especially in the unincorporated San Mateo County context where a majority of shoreline visitor parking is on-street.

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

In terms of public access parking near these prime shoreline visitor destinations, it is important to ensure that there is adequate on-street public parking as a means of meeting Coastal Act and LCP public access provisions, particularly in terms of ensuring that no-cost and lower-cost public access opportunities are both adequately provided for and ultimately maximized. This is particularly key given that most coastal visitors are not fortunate enough to live close to the coast, and coastal visitors often must drive long distances and either pay to park in private or public parking structures or locate street parking a reasonable distance from the beach in order to enjoy this public resource. In San Mateo County, in particular, there are limited public parking lots with sufficient spaces to meet demand associated with coastal destinations and much of the available coastal visitor parking is on-street. Thus, in order to ensure that public access to the coast is maximized, and not impaired, particularly for coastal visitors who must drive in and find parking in order to access the coast, and to avoid disproportionately impacting inland communities and their rights to coastal access, the proposed ordinance must ensure that it does not lead to a reduction in shoreline and beach-area on-street parking where it accommodates significant access points. Although the ADU laws limit the ability of local governments to require off-street parking to serve ADUs, these laws are also explicit in stating that they are not intended and they do not supersede or alter the effect or application of the Coastal Act. Thus, it is appropriate in cases like this to strike a balance between important statewide policies that encourage housing and construction of ADUs, and the equally important mandate in the Coastal Act to protect and maximize public access to the coast.

In this case, the County's proposed ADU ordinance is largely consistent with the requirements of the County's certified LUP. However, in some limited areas of the County's coastal zone there is a need for a more tailored approach to ADUs to ensure adequate protection of public access to the coast (here, public access parking) consistent with the County's certified LUP. Specifically, the proposed IP amendment will adversely impact public access in that allowing ADUs without adequate off-street parking 1) in areas proximate to the shoreline, and 2) in areas with significant visitor-serving and recreational opportunities, will mean that that parking will be shifted onto the streets where it will reduce already limited public access parking availability. The proposed IP amendment is therefore inconsistent with LUP requirements to protect and provide for sufficient public access, access parking, and coastal access opportunities, as well as to encourage lower cost visitor and recreational facilities.

And while the Commission is generally supportive of reducing energy use and vehicle miles travelled, as well as facilitating multi-modal access to the coast, there is nothing concrete in the record to suggest that these types of alternatives, and particularly transit, could be appropriate and valid alternatives to offset the lost on-street parking spaces in these important coastal access areas that would occur absent the suggested parking modifications. Rather, it appears that coastal access visitors to the San Mateo County coastside predominantly arrive via personal vehicle, which is a function of the limitations associated with transit for such purposes (e.g., for bringing beach and surf equipment, etc.) as well as the distances involved and the remote nature of much of the County coastline, including more developed pockets of it. Thus, solutions to the public access problems that would be engendered are focused on ensuring that visitors who

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

are not fortunate enough to live near the coast are afforded an equal opportunity to access it.

Therefore, **Suggested Modifications 3, 4, and 5** are necessary to clearly identify where such parking issues exist, and to require that off-street parking requirements are adhered to with ADU projects. Alternatives considered were to require that off-street parking requirements be adhered to in all applicable zones where ADUs would be allowed; or a more discretionary process where the local decision-maker would decide areas where parking impacts were a concern. However, these approaches would apply off-street parking requirements in areas far from the coast that do not cause public access impacts possibly discouraging the construction of ADUs, and would place too much discretion in a permitting process that is required by state ADU laws to be ministerial at the local level. Instead, those discretionary decisions need to be made now, at the LCP amendment stage. With the recommended modifications, off-street parking would be provided for ADUs within the areas outlined in **Exhibit 3**, which denotes significant coastal visitor destinations within the unincorporated County where public on-street parking is critical to meet visitor demand. Such mapped areas where the provision of off-street parking for ADUs would be required are residential areas zoned to allow for ADUs, that are in close association with the previously mentioned prime coastal visitor destinations, such as Montara State Beach, the bluffs overlooking Fitzgerald Marine Reserve, and Surfer's Beach. Put differently, with recommended modifications to the proposed ordinance, parking restrictions are generally relaxed, consistent with the ADU laws, except in prime shoreline visitor destinations where increased demand for on-street parking could have a significant deleterious effect on coastal visitor access to the coast. These areas are mapped in **Exhibit 3**. Generally speaking, the areas where ADUs are allowed in the coastal zone encompasses approximately fifteen percent of unincorporated San Mateo County. Meanwhile, the areas in which the tailored modifications would require additional parking is limited to roughly eight percent of the coastal zone of unincorporated San Mateo County.

Specifically, within these mapped areas, JADUs within existing residential structures would not require additional parking spaces, but ADUs would require one off-street parking space, and all off-street parking requirements associated with all other uses at the site needs to also be accommodated onsite, including replacement parking spaces if any are removed to accommodate an ADU. For ADUs outside of the area shown in **Exhibit 3**, ADUs do not require an off-street parking space if they meet state ADU law criteria, and ADU projects that convert off-street parking spaces (in garages, carports, etc.) are not required to provide replacement off-street parking spaces.

The amendment with the suggested modifications thus strikes an appropriate balance that will encourage and streamline review of ADUs in the coastal zone while protecting public access to the coast in the County's unique coastal zone context, consistent with the County's certified LUP. In addition, Commission staff have consulted with the California Department of Housing and Community Development (HCD) on these issues, and HCD has not objected here. Accordingly, the proposed IP amendment as modified is consistent with and adequate to carry out the LUP.

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

### **3. Other Coastal Resource Protection**

#### ***Applicable Land Use Plan Provisions***

San Mateo County's certified LUP requires that new development be located in areas with adequate public services able to accommodate it and where it will not have significant adverse impacts on coastal resources. It also requires that new development minimize energy consumption and vehicles miles traveled, and that new or expanded public works be designed and limited to accommodate needs generated by allowed development. These policies include:

#### ***LUP Policy 1.18. Location of New Development***

*a. Direct new development to existing urban areas and rural service centers in order to: (1) discourage urban sprawl, (2) maximize the efficiency of public facilities, services, and utilities, (3) minimize energy consumption, (4) encourage the orderly formation and development of local governmental agencies, (5) protect and enhance the natural environment, and (6) revitalize existing developed areas.*

*b. Concentrate new development in urban areas and rural service centers by requiring the "infilling" of existing residential subdivisions and commercial areas.*

*c. Allow some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered.*

In addition, the LUP speaks to protect the existing availability of low- and moderate-income housing in the coastal zone, including LUP Policy 3.22 as amended above regarding permitting ADUs in the Coastal Zone, as follows:

***LUP Policy 3.1. Sufficient Housing Opportunities.*** *Through both public and private efforts, protect, encourage and, where feasible, provide housing opportunities for persons of low and moderate income who reside, work or can be expected to work in the Coastal Zone.*

***LUP Policy 3.4. Diverse Housing Opportunities.*** *Strive to improve the range of housing choices, by location, type, price and tenure, available to persons of low and moderate income.*

***LUP Policy 3.22. Accessory Dwelling Units in the Coastal Zone.*** *Permit accessory dwelling units subject to the standards incorporated in the County's Zoning Regulations Chapter 22.5.1 (Accessory Dwelling Units – Coastal Zone), subject to the following restrictions: (a) Limit the total number of approved accessory dwelling units to 466 in the Coastal Zone. (b) Comply with all applicable policies and procedures as required by the LCP.*

San Mateo County's certified LUP has specific policy directives requiring protection for coastal resources, including for environmentally sensitive habitat areas (ESHAs), scenic

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

and visual qualities, and minimization of the potential for adverse impacts from hazards on new development. These provisions include:

**LUP Policy 7.3. Protection of Sensitive Habitats.** (a) Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas. (b) Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.

**LUP Policy 8.6. Streams, Wetlands and Estuaries.** (a) Set back development from the edge of streams and other natural waterways a sufficient distance to preserve the visual character of the waterway. (b) Prohibit structural development which will adversely affect the visual quality of perennial streams and associated riparian habitat, except for those permitted by Sensitive Habitats Component Policies. (c) Retain the open natural visual appearance of estuaries and their surrounding beaches. (d) Retain wetlands intact except for public accessways designed to respect the visual and ecological fragility of the area and adjacent land, in accordance with the Sensitive Habitats Component policies.

**LUP Policy 8.5.a. Location of Development. On rural lands and urban parcels larger than 20,000 sq. ft.** Require that new development be located on a portion of a parcel where the development: (1) is least visible from State and County Scenic Roads; (2) is least likely to significantly impact views from public viewpoints; (3) and is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which, on balance, most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5. Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater. This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

**LUP Policy 9.8.a. Regulation of Development on Coastal Bluff Tops.** Permit bluff and cliff top development only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic life span of the development (at least 50 years) and if the development (including storm runoff, foot traffic, grading, irrigation, and septic tanks) will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area.

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

### ***Consistency Analysis***

Taken together, these LUP provisions generally direct new residential development to be located in existing developed areas with adequate public facilities and services (including water, sewer, and traffic capacity) where coastal resources will not be significantly impacted, and the policies require that a diverse range of housing opportunities (especially low- and moderate-income housing) be protected and provided, including through the development of ADUs, in such a way as to protect the existing character and balance of housing in the coastal zone. In other words, the LUP encourages the concentration of development in existing developed areas that are able to accommodate it in San Mateo County's coastal zone.

As mentioned in the LUP consistency section above, the State is experiencing an affordable housing crisis that is particularly acute in the coastal zone, and the California Legislature's recently enacted housing laws are intended to encourage and streamline approval of ADUs to alleviate housing shortages throughout the State. This LCP amendment aims to synthesize the ADU laws with the Coastal Act in a way that continues to protect coastal resources while also reducing and eliminating barriers to ADUs.

As discussed above, a significant portion of the County's coastal zone where ADUs would be allowed per the updated ADU provisions consists of already developed residential areas with adequate public services that can lend themselves to appropriate ADU development, both inside and, even more so, outside of the coastal zone. Within the coastal zone, there are infill areas where ADUs can be developed without any significant coastal resource constraints. The proposed updates to the ADU regulations do not alter, modify, or conflict with any of the provisions relating to the location and planning of new development in the LUP. The LUP's criteria for the location of new development are unmodified, as are the limits on development for units of all types, in aggregate and individually. ADU development would continue to be subject to density, annual/total permit limits and any other regulation found in Section 1 of the LCP. Thus, at a broad level, the proposed amendments should help achieve the objectives of the ADU legislation.

In terms of affordable and diverse housing opportunities, LUP policies 3.1 and 3.4 strive to protect, encourage and, where feasible, provide housing opportunities for persons of low and moderate income who reside or work in the coastal zone and the policies are intended to improve the range of housing choices, by location, type, price, and tenure. The proposed amendments do not reduce or eliminate LUP standards related to affordable housing, and do not impact the applicability of such policies for ADUs.

The proposed amendments do provide for some relaxed ADU development standards consistent with state law (e.g., reduced setbacks, increased floor area ratio (FAR), and streamlined permitting for ADUs). However, ADUs proposed within the County's coastal zone are still subject to more generalized constraints analyses based on coastal resource protection policies including, but not limited to, standards related to ESHA, wetlands, riparian corridors, significant public views, and coastal hazards, and the proposed amendment includes language (Section 6439.17) clarifying that nothing in the

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

proposed amendment is intended to supersede, alter, or lessen the effect of the Coastal Act or LCP, which means that the specific standards applicable to ADUs adopted herein are minimum requirements and do not override or supersede LCP requirements for all new development.<sup>3</sup> Further, the proposed amendments do not eliminate, reduce, or modify any of the definitions, designations, or standards incorporated in Sections 7, 8 and 9 of the LUP, which deal with the protection of sensitive habitats, visual resources and minimization of hazards. All prohibitions and restrictions on development established in these sections would continue to apply to ADUs.

In short, ADUs proposed in areas that do have coastal resource constraints must be evaluated and appropriately sited to protect significant coastal resources, which is consistent with the statement in Government Code Section 65852.2(l) that provisions related to ADUs do not supersede, alter, or lessen the intended effect or application of the Coastal Act. The proposed amendment therefore appropriately facilitates ADUs while protecting coastal resources, consistent with and adequate to carry out the relevant LUP policies.

### **5. IP Amendment Conclusion**

In summary, the proposed IP amendment, as modified, would update the LCP's ADU provisions consistent with recent changes in statewide ADU law, while simultaneously protecting important coastal resources, particularly as it relates to public recreational access, consistent with the Coastal Act, the LCP's Land Use Plan, and the State's ADU laws. In other words, the ADU laws allow local governments to tailor their ADU provisions as necessary to protect coastal resources if required to be consistent with the Coastal Act (or a certified LCP). With the suggested modifications the LCP's ADU provisions will be appropriately tailored to protect coastal resources while also encouraging development of ADUs. Commission staff worked with County staff to accomplish this. In addition, the suggested modifications should help to increase ADU stock in the County's coastal zone, including in important coastal resource areas where more specific parking provision requirements are necessary and articulated to avoid coastal resource impacts to coastal access and specifically to address potential problems that could arise if ADU development were allowed to take over public recreational parking stock. Thus, the proposed amendment, as modified, will not adversely affect coastal resources and is consistent with and adequate to carry out the certified LUP.

### **D. California Environmental Quality Act (CEQA)**

Section 21080.9 of the California Public Resources Code—within the California Environmental Quality Act (CEQA)—exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of LCPs and LCP amendments. The Commission's LCP review and approval program has been found by the Secretary of the Natural Resources Agency to be functionally equivalent to the EIR process. Thus,

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<sup>3</sup> The County also has a residential categorical exclusion order that would allow for ADUs without a CDP when they are in the allowed exclusion area and meet the terms and conditions of the order.

## **LCP-2-SMC-21-0001-1 (Accessory Dwelling Units)**

under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP or LCP amendment action.

Nevertheless, the Commission is required, in approving an LCP or LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment (see California Code of Regulations Title 14 Sections 13540(f) and 13555(b)).

The County's LCP amendment consists of both a LUP and an IP amendment. As discussed above, the IP amendment as originally submitted does not conform with, and is not adequate to carry out, the policies of the LUP, as proposed to be amended. The Commission has, therefore, suggested modifications to the proposed IP to include all feasible measures to ensure that potentially significant environmental impacts of new development are minimized to the maximum extent feasible consistent with the requirements of the Coastal Act. These modifications represent the Commission's analysis and thoughtful consideration of all significant environmental issues raised in public comments received, including with regard to potential direct and cumulative impacts of the proposed IP amendment, as well as potential alternatives to the proposed amendment. As discussed in the preceding sections, the Commission's suggested modifications represent the most environmentally protective alternative to bring the proposed IP amendment into conformity with the LUP consistent with the requirements of the Coastal Act.

Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts, either individually or cumulatively, and the proposed IP amendment, as modified, conforms with CEQA.

## **4. APPENDICES**

### **A. Substantive File Documents<sup>4</sup>**

- San Mateo County Adopted Ordinance No. 4836
- San Mateo County Chapter 22.5 Second Units (Original Certified Regulations)
- San Mateo County Local Coastal Program Consistency Analysis
- San Mateo County Board of Supervisors Staff Report

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<sup>4</sup> These documents are available for review from the Commission's North Central Coast District office.